

REMARKS

Reconsideration of the present application is hereby requested.

Claims 1 to 34 were and are currently pending in this application.

Claims 1, 32 and 34 have been amended to more particularly claim the subject invention. More specifically, claims 1, 32 and 34 have been amended to now specify that the secondary buffer member circumferentially surrounds and physically contacts an outer surface of either the primary buffer member or the heat insulating and dimensionally stabilizing member. Support for these amendments can be found in paragraph numbers [0034] and [0074], as well as, in FIGS. 1 to 3 of the specification, as filed. No new matter has been added.

Claim 33 has been allowed.

Claims 16, 21, 22 and 26 to 31 have been indicated as allowable if rewritten to independent form including all of the limitations of the base claim and any intervening claims.

In a telephone conversation with the Examiner held on January 12, 2005, the Examiner informed the undersigned of a newly uncovered reference, namely, U.S. Patent Application Publication Number US 2003/0059183 A1 to Militaru. A telephone interview was held the following day, during which the present Supplemental Amendment was discussed.

The present invention, as amended, generally relates to a fiber optic cable that comprises:

- (a) at least one optical fiber;
- (b) a primary buffer member circumferentially surrounding each optical fiber;

- (c) optionally, a heat insulating and dimensionally stabilizing member circumferentially surrounding the primary buffer member;
- (d) a secondary buffer member circumferentially surrounding and physically contacting an outer surface of either the primary buffer member or the heat insulating and dimensionally stabilizing member;
- (e) a strength member circumferentially surrounding the secondary buffer member; and
- (f) a dual layer jacket circumferentially surrounding and physically contacting an outer surface of the strength member, which comprises a heat or pressure sealed, low-shrinkage polymer film inner layer, and an outer protective layer.

Militaru relates to an optical fiber cable assembly with interstitial support members. For so-called aerial applications, this reference teaches an assembly made up of an optical core comprising buffer tubes and interstitial members, and an outer layer structure. As best shown in FIGS. 1 and 3, this outer layer structure comprises: a MYLAR tape and/or polyester binder layer 34; an inner jacket layer 6 made from a polyolefin such as polyethylene or a polyester such as nylon; a strength member 8 made from aramid or fiberglass yarns; a MYLAR tape and/or polyester binder layer 38; and an outer jacket 10 made from a polyolefin or a polyester. See [0015] and FIGS. 1 and 3, of Militaru.

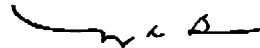
As is readily evident from the above description, the optical fiber cable assembly of Militaru does not teach or suggest, among other things, the heat insulating and dimensionally stabilizing member of the present invention. Moreover, inner jacket layer 6 of the optical fiber cable assembly of Militaru would never physically contact an outer surface of a buffered optical fiber.

Where the fiber optic cable of claims 1 and 32, as amended, and the process for preparing a fiber optic cable of claim 34, as amended, require that the secondary buffer

member physically contact an outer surface of either the primary buffer member or the heat insulating and dimensionally stabilizing member, these independent claims (as well as the claims which depend from these independent claims) cannot be anticipated by this reference.

The subject application is now considered to be in condition for allowance, and a prompt Notice of Allowance would be greatly appreciated.

Respectfully submitted,



Mary R. Bonzagni
Attorney for Applicants
Registration No. 34779
Customer No. 27804
(413) 567-2076

Date: January 13, 2005

[02104P30]